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**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

Mark Brnovich, in his official capacity as  
Attorney General of Arizona; *et al.*,

Plaintiffs,

v.

Joseph R. Biden in his official capacity as  
President of the United States; *et al.*,

Defendants.

No. 2:21-cv-01568-MTL

**STATE PLAINTIFFS' NOTICE OF  
FILING PROPOSED INUNCTION**

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**NOTICE**

In compliance with the Court’s Order of January 27, 2022 (Doc. 156), Plaintiffs Arizona Attorney General Mark Brnovich and the State of Arizona (the “State Plaintiffs”) hereby file this Notice of Filing Proposed Injunction. Attached to this filing is a proposed order setting forth the State Plaintiffs’ proposed form of injunction.

RESPECTFULLY SUBMITTED this 1st day of February, 2022.

**MARK BRNOVICH  
ATTORNEY GENERAL**

By: /s/ James K. Rogers  
Joseph A. Kanefield (No. 15838)  
Brunn W. Roysden III (No. 28698)  
Drew C. Ensign (No. 25463)  
James K. Rogers (No. 27287)

*Attorneys for Plaintiffs Mark Brnovich and the State of Arizona*

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 1st day of Febuary, 2021, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the District of Arizona using the CM/ECF filing system. Counsel for all Defendants who have appeared are registered CM/ECF users and will be served by the CM/ECF system pursuant to the notice of electronic filing.

*/s/ James K. Rogers*  
*Attorney for Plaintiffs Mark Brnovich, in his official capacity as Attorney General of Arizona; and the State of Arizona*

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**UNITED STATES DISTRICT COURT  
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Mark Brnovich, in his official capacity as  
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Joseph R. Biden in his official capacity as  
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Defendants.

No. 2:21-cv-01568-MTL

**[PROPOSED] ORDER**

1           This Court’s January 27, 2022 order (Doc. 156) grants in part Plaintiffs’ Motion  
2 for Preliminary Injunction (Doc. 72). Having reviewed the Plaintiffs’ proposed form of  
3 injunction and the Defendants’ objections thereto and there being no just reason for delay,  
4 **IT IS HEREBY ORDERED** that judgment is entered on Counts I through VIII of  
5 Plaintiffs’ Third Amended Complaint (Doc. 134) pursuant to Fed. R. Civ. P. 54(b). The  
6 Clerk shall enter a judgment on these counts by separate document.

7           **IT IS FURTHER ORDERED:**

8           1. Pursuant to 28 U.S.C. § 2201 and Fed. R. Civ. P. 57, this Court declares that  
9 the COVID Safety Protocols for Federal Contractors described in Executive Order No.  
10 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors, 86 Fed. Reg.  
11 50,985 (Sept. 9, 2021) (the “COVID Safety Protocols”) exceed the scope of the  
12 President’s authority under the Federal Property and Administrative Services Act (the  
13 “Procurement Act”), 40 U.S.C. § 101 et seq. Accordingly, this Court also declares to be  
14 unlawful the COVID-19 guidance and Frequently Asked Questions promulgated by the  
15 Safer Federal Workforce Task Force (“SFWTF”) (collectively the “SFWTF Guidance”).  
16 The Court also declares unlawful the September 30, 2021 memorandum by the Federal  
17 Acquisition Regulation (“FAR”) Council (the “FAR Memo”).

18           2. In this Order, the term “Arizona Contract” refers to any contract by a federal  
19 agency or department that includes any party domiciled in, headquartered in, or resident  
20 in the State of Arizona, including the State of Arizona or any of its agencies or political  
21 subdivisions. It also includes any contract to be performed principally in the State of  
22 Arizona.

23           3. In the following paragraphs, the term “Defendants” refers to all Defendants  
24 except for the City of Phoenix and President Biden

25           4. Defendants are enjoined from enforcing within the State of Arizona any  
26 contract clause requiring compliance with the COVID Safety Protocols, the SFWTF

1 Guidance, the FAR Memo, or any future requirement that is substantially similar or that  
2 includes any vaccination requirement.

3 5. Defendants are enjoined from entering into or renewing any Arizona  
4 Contract requiring compliance with the COVID Safety Protocols, the SFWTF Guidance,  
5 the FAR Memo, or any future requirement that is substantially similar or that includes any  
6 vaccination requirement.

7 6. Defendants are enjoined from denying a new Arizona Contract or contract  
8 renewal because of a contract party's refusal to include any contract clause requiring  
9 compliance with the COVID Safety Protocols, the SFWTF Guidance, the FAR Memo, or  
10 any future requirement that is substantially similar or that includes any vaccination  
11 requirement.

12 7. Defendants are enjoined from requesting that any party to an Arizona  
13 Contract voluntarily include any contract clause requiring compliance with the COVID  
14 Safety Protocols, the SFWTF Guidance, the FAR Memo, or any future requirement that  
15 is substantially similar or that includes any vaccination requirement.

16 8. Defendants are enjoined from adopting guidance or requirements applicable  
17 to any Arizona Contract that is substantially similar to the COVID Safety Protocols, the  
18 SFWTF Guidance, or the FAR Memo. This includes any vaccination requirement.

19 9. Defendants are enjoined from drafting, facilitating, or approving any  
20 Arizona Contract by any federal agency or department that requires compliance with the  
21 COVID Safety Protocols, the SFWTF Guidance, the FAR Memo, or any future  
22 requirement that is substantially similar or that includes any vaccination requirement.  
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